

# EXHIBIT A

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BEFORE THE  
UNITED STATES INTERNATIONAL TRADE COMMISSION

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In the Matter of: Investigation No.  
CERTAIN HIGH-BRIGHTNESS LIGHT : 337-TA-556  
EMITTING DIODES AND PRODUCTS :  
CONTAINING SAME :  
- - - - - x

Hearing Room A  
  
United States  
International Trade Commission  
500 E Street, Southwest  
Washington, D.C.  
  
Monday, August 7, 2006  
Volume 4

The parties met, pursuant to the notice of  
the Judge, at 9:30 a.m.

BEFORE: THE HONORABLE SIDNEY HARRIS

1 P R O C E E D I N G S

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3 JUDGE HARRIS: Mr. Lyons, are we going  
4 to start with --

5 MR. DeBRUINE: Your Honor, if I may,  
6 one housekeeping matter. We've had discussions  
7 with counsel over the weekend and reached an  
8 agreement that we will take the covenant not to  
9 sue issue out of this case, just became aware  
10 that it would become an evidentiary problem and  
11 a time problem with the amount of evidence both  
12 sides wanted to put on that.

13 And since it's a contract issue, we're  
14 going to save that issue for the District  
15 Court, rather than try and litigate a whole  
16 fraud of the inducement claim before Your  
17 Honor. So they've agreed.

18 JUDGE HARRIS: So you're dropping --

19 MR. DeBRUINE: We're not going to go  
20 forward with the argument that there's a  
21 covenant not to sue the OMA product.

22 MR. JOHNSON: We couldn't stop them in  
23 the first place, but we agreed that they have  
24 dropped the covenant not to sue defense, and  
25 we'll deal with it at such time as they raise

1 it again.

2 MR. FUSCO: Your Honor, I understood  
3 there was a separate licensing defense. I just  
4 wanted to find out what the status of that was.

5 MR. DeBRUINE: The UEC license is  
6 separate and apart, the express license  
7 provision is separate and apart from the  
8 covenant not to sue.

9 MR. FUSCO: So that's still in.

10 MR. DeBRUINE: This covers the  
11 covenant not to sue.

12 JUDGE HARRIS: All right.

13 MR. LYONS: Good morning, Your Honor.  
14 If we could call Dr. Dupuis back to the stand?

15 (Whereupon, the trial proceeded in  
16 confidential session.)

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1 CERTIFICATION OF TRANSCRIPTION

2 TITLE: Certain High-Brightness Light  
INVESTIGATION NO.: 337-TA-556  
3 HEARING DATE: August 7, 2006  
LOCATION: Washington, D.C.  
4 NATURE OF HEARING: Hearing

5 I hereby certify that the  
6 foregoing/attached transcript is a true, correct and  
complete record of the above-referenced proceeding(s)  
of the U.S. International Trade Commission.

7  
8 DATE: 8/7/06  
SIGNED: CYNTHIA R. SIMMONS OTT

9 Signature of the Contractor or the Authorized  
Contractor's Representative  
10 1220 L Street, N.W., Suite 600  
Washington, D.C. 20005

11 I hereby certify that I am not  
12 the Court Reporter and that I have proofread the  
above-referenced transcript of the proceeding(s) of  
13 the U.S. International Trade Commission, against the  
aforementioned Court Reporter's notes and recordings,  
14 for accuracy in transcription in the spelling,  
hyphenation, punctuation and speaker identification,  
15 and did not make any changes of a substantive nature.  
The foregoing/attached transcript is a true, correct  
16 and complete transcription of the proceeding(s).

17 SIGNED: JOHN D. LASHER  
Signature of Proofreader

18 I hereby certify that I reported the  
19 above-referenced proceeding(s) of the U.S.  
International Trade Commission and caused to be  
20 prepared from my tapes and notes of the proceedings a  
true, correct and complete verbatim recording of the  
21 proceeding(s).

22 SIGNED: CYNTHIA R. SIMMONS OTT  
Signature of Court Reporter

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